

**MAC/KINAC COUNTY**

Courthouse  
100 S. Marley Street, Room 15  
St. Ignace, MI 49781  
Fax (906) 643-8861

**MARK MacDONALD**

Juvenile Officer  
Referee  
Court Administrator  
(906) 643-7320

**JUDITH L. RYERSE**

Probate Register  
(906) 643-7303

**KATHLEEN ANNE KITTELL**

Juvenile Register  
Court Recorder  
(906) 643-7319

**STATE OF MICHIGAN**



**SIXTH PROBATE COURT**

**THOMAS B. NORTH**  
PROBATE JUDGE

**LUCE COUNTY**

Courthouse  
County Government Bldg.  
407 West Harrie Street  
Newberry, MI 49868

**DEBORAH J. STROHL**

Probate/Juvenile Register  
Court Recorder  
(906) 293-6601

**MICHAEL M. WOLF**

Juvenile Officer  
Court Administrator  
(906) 293-5751

October 23, 2006

Ms. Amy L. Byrd  
State Court Administrative Office  
Trial Court Services Division  
P. O. Box 30048  
Lansing, MI 48909

Received

OCT 27 2006

Dear Ms. Byrd:

State Court Administrative Office

RE: SCAO forms PC559 and 594

Thank you for your letter of October 11, 2006. I appreciate the Committee's action. However, your notification that the Committee "revised" both forms by clarifying that the decedent died testate as to will and codicil(s)" caused me to review my original letter to you. As I remembered, what I had reported as a defect in those forms was the absence of a box for petitioner's to use to request the court to **find a will is valid and admit it to probate**. That first letter went on to outline the problems created by that defect. We have since had a few more decedents' estates delayed and petitioners inconvenienced, along with their attorneys, due to this.

Our Mackinac County Probate Register has now received the revised forms, which I have reviewed. They still do not contain boxes to make those requests. I'd suggest this be raised again at the next committee meeting.

Sincerely,

*Thomas B. North*

Thomas B. North  
Probate Judge

TBN:jl

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## STATE OF MICHIGAN



### SIXTH PROBATE COURT

**THOMAS B. NORTH**  
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**DEBORAH J. STROHL**  
Probate/Juvenile Register  
Court Recorder  
(906) 293-5601

**MICHAEL M. WOLF**  
Juvenile Officer  
Court Administrator  
(906) 293-5751

April 20, 2006

Ms. Amy Byrd  
State Court Administrative Office  
Hall of Justice  
P. O. Box 30048  
Lansing, MI 48909

Received

APR 24 2006

State Court Administrative Office

Dear Ms. Byrd:

In the processing of a new decedent's estate in our court, a defect in the SCAO forms recently came to light. Please note that form PC 569, Order of Formal Proceedings, has a box #10 by which a will can be found by the court to be valid and admitted to probate. That form is correct and consistent with the Estates and Protected Individuals Code.

However, the corresponding petition, PC 559, does not have a correlating box. The petition does contain paragraphs for the petitioner to allege a purported will, however, at the end of the petition in the "request" section, while there is a box for a finding by the court that the decedent died testate, there is no box to request that the court go beyond that by finding that will is, in fact, valid and to admit the same to probate. A court finding of testacy does not necessarily, as a matter of statute, constitute validity of a will or that it should be admitted to probate.

The Court Rules provide that petitioners should follow the SCAO form, but in this instance, doing so does not result in all of the necessary requests to the court. In the absence of such a request being expressly stated in a petition, the court cannot jump to entering an order finding a will to be valid and admitting it to probate.

In our recent case, there was only one interested person, the petitioner, so there was no necessity for a hearing. The matter was submitted solely by paperwork. In order not to delay that estate pending this letter, we resolved it by the additional request being typed on the SCAO form.

We checked and there does not appear to be any other SCAO petition that should be used instead for a supervised estate in which there has been no previous adjudication. It is obvious that PC 559 needs to be revised to add a box wherein petitioners may request the court to find that a will is valid and admit it to probate.

Ms. Amy Byrd  
April 20, 2006  
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In bringing this matter before the forms committee, please note that PC 594, which is used in different situations, has the same defect.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Thomas B. North". The signature is written in dark ink and is positioned above the printed name.

Thomas B. North

TBN:jlr